

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOHN P. "JACK" FLYNN	:
LESLIE A. FLYNN	:
	:
Plaintiffs,	:
	:
v.	:
	:
	:
CABLE NEWS NETWORK, INC.	:
	:
Defendant.	:
-----X	

Case 1:21-cv-02587-GHW/SLC

NOTICE OF FILING
PLAINTIFFS' SECOND RULE 26(a)(2)
EXPERT DISCLOSURE

TAKE NOTICE that Plaintiffs, John P. "Jack" Flynn and Leslie A. Flynn ("Plaintiffs" or the "Flynnns"), by counsel, pursuant to Rule 26(a)(2)(A-B) Fed. R. Civ. Pro. ("FRCP") and § IX of the Case Management Plan [*ECF No. 58*], have served an Expert Witness disclosure.¹

The Flynnns intend to call Dr. Sophia Moskalenko, Ph.D, Psychologist, Security Consultant, UN Office of Counter-Terrorism, International Hub for Behavioral Insights, European Commission Expert (Expert ID: EX2017D316752), as an expert in violent extremism and the psychology of radicalization to provide expert testimony under Federal Rules of Evidence 702, 703 and 705 concerning the issues whether the Flynnns

¹ This Expert Witness Disclosure is also made on behalf of Valerie Flynn and Lori Flynn, plaintiffs in the companion cases (Case 8:22-cv-00343-MSS/SPF), pending in the United States District Court for the Middle District of Florida.

were “QAnon followers” on February 4, 2021, *i.e., adherents to the QAnon belief system*, and whether, in the full context of the July 4, 2020 backyard barbecue, recitation of the phrase “where we go one, we go all” was intended to signify support for QAnon.

Dr. Moskalenko will offer the following testimony at trial:

1. The record does not disclose any evidence that the Flynns were QAnon followers, that they believed any of the QAnon core beliefs or indeed any of the more “fringe” QAnon conspiracy theories. What’s more, in several communications dating at or around the time of the July 4, 2020 backyard barbecue recitation of the phrase “where we go one we go all”, the Flynns made it clear they did not associate themselves with QAnon.
2. In the absence of evidence of the Flynns’ belief in QAnon conspiracy theories, and viewed in the context of the July 4, 2020 national holiday and family celebration of DOJ’s decision to dismiss the case against General Flynn, as well as in light of the sworn deposition testimony, the only parsimonious interpretation of the intention behind the Flynns’ utterance of the phrase “where we go one we go all” is their desire to express patriotism and family unity, not their allegiance to QAnon. In context, the Flynns used the Oath of Office for its pathos, and for its reference to the sacred values of the U.S. Constitution and the nation. This same attribution is also supported by the phrase “God Bless America” exclaimed by the Flynns at the very end of the July 4, 2020 backyard barbecue video. The disputed phrase, “where we go one we go all,” in concert with the Oath of Office and the “God Bless America” uttered by the Flynns, clearly appears to have been intended to represent the Flynn’s patriotism, and an affirmation of unity with each other and the country.

DATED: June 5, 2023

Signature of Counsel on Next Page

Respectfully Submitted,

JOHN P. "JACK" FLYNN
LESLIE A. FLYNN

By: /s/ Steven S. Biss

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Counsel for the Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2023 a copy of the foregoing was served electronically in PDF on counsel for the Defendant.

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